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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,668	07/28/2004	Jui-Chiang Lin	LITP0012USA	4667
27765 7590 01/17/2008 NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			EXAMINER NGUYEN, KEVIN M	
			ART UNIT	PAPER NUMBER
			2629	
			NOTIFICATION DATE	DELIVERY MODE
			01/17/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

winstonhsu.uspto@gmail.com  
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## Office Action Summary

Application No.

10/710,668

Applicant(s)

LIN, JUI-CHIANG

Examiner

Nguyen M. Kevin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5,9-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-11 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                            |                                                                                         |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

*Response to Arguments*

1. Claims 1-5, 9-11 and 13 are pending in this application. Claims 6-8 and 12 are cancelled. Claims 1 and 9 are amended. In view of the applicant's amendment, see pages 2-6, filed on 11/08/2007, with respect to the amended claims 1-5, 9-11 and 13 have been fully considered and are not persuasive. The amendment necessitated a new ground(s) of rejection presented in this final office action.

*Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 9-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohsato et al. (US 5,442,615, Ohsato) in view of Kolosko et al (US 4,000,906, Kolosko).

4. As to **claim 1**, the alternative embodiment of figure 19 of Ohsato teaches an electronic apparatus with level-detecting function, the electronic apparatus comprising:

an electronic component (an optical disc 42);

a light-sensing device for sensing light (a light sensor 52);

a light source for emitting light onto the light-sensing device (a light source 46);

**a light blocker for blocking light emitted by the light source from projecting onto the light-sensing device when the electronic component is tilted and has a tilt angle within a predetermined range, when the electronic component is tilted and has a tilt angle**

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**within a predetermined range, wherein the light blocker is rotated around a rotating axis**

(col. 16, lines 65-67, and col. 17 of Ohsato discloses a plate 54 is interposed in bundled light beam LA11 and LA12; the plate 54 tilts (rotates) as shown in fig. 27; the plate 54 is inclined with a predetermined magnification; the optical disc 42 tilts by an angle  $\theta_d$ ; the alternative embodiment of col. 18, lines 58-62 further discloses the plate 54 is rotated about an axis X);

**a control circuit electrically connected to the light-sensing device for controlling the electronic component to selectively operate in one of a plurality of operating modes according to the intensity of light received by the light-sensing device** (col. 16, lines 16-64 of Ohsato discloses coils 59A and 59B connected to said light source for controlling the optical disc 42 an operating mode with respect to the lights LA11 and LA12).

**Ohsato fails to teach a light blocker for blocking light emitted by the light source from projecting onto the light-sensing device when the electronic component is tilted and has a tilt angle within a predetermined range.** Kolosko teaches the arm elements (40) rotating, tilting, and blocking light from a light source 48 emitting onto the transistor 50, col. 4, line 64 to col. 5, line 25.

Kolosko discloses to improve the speed automatic change for the disc drive, while manufacturing at low cost (col. 1, line 50 to col. 2, line 2 of Kolosko). Thus, it would have been obvious to a person of ordinary skill in the art to apply Kolosko to Ohsato to achieve the predictable result. Using the known technique of Kolosko would have been obvious to one of ordinary skill.

5. As to claim 9, a method for enabling an electronic apparatus to selectively operate in one of a plurality of operating modes according to a tilt angle of the electronic apparatus

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(col. 16, lines 16-64 of Ohsato discloses a method for controlling the optical disc 42 inclines while operating mode), **the method comprising the following step:**

emitting light from a light source (46) to a light-sensing device (52);

**blocking the light according to the tilt angle with a light blocker when the electronic component is tilted, wherein the light blocker is rotated around a rotating axis** (col. 16, lines 65-67, and col. 17 of Ohsato discloses being interposed in bundled light beam LA11 and LA12 by a plate 54; tilting (rotating) of the plate 54 as shown in fig. 27; inclining of the plate 54 with a predetermined magnification; the optical disc 42 tilts by an angle  $\theta_d$ ; the alternative embodiment of col. 18, lines 58-62 further discloses the plate 54 is rotated about an axis X);

**controlling an electronic component of the electronic apparatus to operate in one of the plurality of modes according to the intensity of light emitted by the light source and sensed by the light-sensing device** (col. 16, lines 16-64 of Ohsato discloses the method of controlling the optical disc 42 an operating mode with respect to the lights LA11 and LA12, which are controlled by the coils 59A and 59B (a control circuit) connected to said light source).

**Ohsato fails to teach blocking the light according to the tilt angle with a light blocker when the electronic component is tilted.** Kolosko teaches the arm elements (40) being rotated, tilted, and blocking light from a light source 48 emitting onto the transistor 50, col. 4, line 64 to col. 5, line 25.

Kolosko discloses to improve the speed automatic change for the disc drive, while manufacturing at low cost (col. 1, line 50 to col. 2, line 2 of Kolosko). Thus, it would have been obvious to a person of ordinary skill in the art to apply Kolosko to Ohsato to achieve the

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predictable result. Using the known technique of Kolosko would have been obvious to one of ordinary skill.

As to claim 2, the electronic apparatus of claim 1, wherein the electronic component is an optical disc drive (Ohsato discloses the optical disk drive 42).

As to claim 3, the electronic apparatus of claim 2 further comprising a housing for the light blocker to be rotatably fixed to, when the optical disc drive is tilted at an angle within the predetermined range, the light blocker is rotated to a position to block light emitted from the light source from projecting onto the light-sensing device (Ohsato discloses the plate 54 is fixed within the housing 53, see fig. 20, when the optical disc 42 tilts by an angle  $\theta_d$ . Kolosko teaches the arm elements (40) being rotated, tilted, and blocking light from a light source 48 emitting onto the transistor 50, col. 4, line 64 to col. 5, line 25. Kolosko discloses to improve the speed automatic change for the disc drive, while manufacturing at low cost (col. 1, line 50 to col. 2, line 2 of Kolosko). Thus, it would have been obvious to a person of ordinary skill in the art to apply Kolosko to Ohsato to achieve the predictable result. Using the known technique of Kolosko would have been obvious to one of ordinary skill).

As to claim 4, the electronic apparatus of claim 2, wherein the plurality of operating modes comprises an enable mode and an off mode (col. 5, lines 1-25 of Kolosko discloses the automatic change for the disc drive at each of an operating speed mode and a stop mode).

As to claim 5, the electronic apparatus of claim 4, the optical disc drive continuously reads data stored on a disc when operating in the enable mode; but generates a sound signal or a light signal as an alarm signal, stops reading the data stored on the disc, or is turned off when operating in the off mode. (fig. 19 of Ohsato discloses the optical pickup 14, which reads data



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stored on an audio disc when operating in the enable mode to generate sound signal. When we press the stop button on the DVD player, which stops reading the data stored on the disc, or is turned off when operating in the off mode).

As to claim 10, the method of claim 9, wherein the electronic component is an optical disc drive, and the plurality of modes comprises an enable mode and an off mode (col. 7, lines 30-47 of Ohsato discloses the optical disc along the radial direction is done by the optical beam spot correction means 53 of mechanical mode and optical mode).

As to claim 11, the method of claim 10, the optical disc drive continuously reads data stored on a disc when operating in the enable mode; but generates a sound signal or a light signal as an alarm signal, stops reading the data stored on the disc, or is turned off when operating in the off mode. (fig. 19 of Ohsato discloses reading data stored on an audio disc when operating in the enable mode to generate sound signal by the optical pickup 14; and stopping reading the data stored on the disc, or is turned off when operating in the off mode, while pressing the stop button on the DVD player).

As to claim 13, the method of claim 9, wherein the electronic apparatus further comprises a housing for the light blocker to be rotatably fixed to, when the electronic component is tilted at an angle within a predetermined range, the light blocker is rotated to a position to block light emitted by the light source from projecting onto the light-sensing device (fig. 20 of Ohsato discloses the plate 54 is fixed within the housing 53, when the optical disc 42 tilts by an angle  $\theta_d$ . Kolosko teaches the arm elements (40) being rotated, tilted, and blocking light from a light source 48 emitting onto the transistor 50, col. 4, line 64 to col. 5, line 25. Kolosko discloses to improve the speed automatic change for the disc drive, while manufacturing at low cost (col. 1,

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line 50 to col. 2, line 2 of Kolosko). Thus, it would have been obvious to a person of ordinary skill in the art to apply Kolosko to Ohsato to achieve the predictable result. Using the known technique of Kolosko would have been obvious to one of ordinary skill).

### *Response to Arguments*

6. Applicant's arguments with respect to claims 1-5, 9-11 and 13 have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen M. Kevin whose telephone number is 571-272-7697.

The examiner can normally be reached on MON-THU from 9:00-5:00.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*/Kevin M. Nguyen/*

Kevin M. Nguyen

Examiner

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